

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

	X	
	:	Case No.: 1:21-cv-04529
David Jackson, individually and on behalf of	:	
all others similarly situated,	:	Honorable Nancy L. Maldonado
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
Discover Financial Services Inc.,	:	
	:	
Defendant.	:	
	:	
	X	

**PLAINTIFF’S UNOPPOSED MOTION FOR FINAL APPROVAL  
OF CLASS ACTION SETTLEMENT**

David Jackson (“Plaintiff”), with the consent of Defendant Discover Bank (“Discover”)<sup>1</sup> and with no opposition from Settlement Class Members, respectfully moves this Court under Rule 23(e) for final approval of the parties’ class action settlement. In support of his motion, Plaintiff states:

1. After over a year of contested litigation—which included motion practice and written discovery—the parties reached an agreement, with the assistance of a seasoned mediator, to resolve this Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, class action on behalf of a nationwide settlement class.<sup>2</sup>

2. To that end, Discover will create a non-reversionary, \$1 million settlement fund for

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<sup>1</sup> While Mr. Jackson initially named Discover Financial Services, Inc. as defendant, Discover Bank answered Mr. Jackson’s Second Amended Complaint to clarify that Discover Financial Services, Inc. had been erroneously sued. ECF No. 21 at 1.

<sup>2</sup> The settlement agreement and its exhibits were previously filed with the Court. ECF No. 42-5.

the benefit of the following Settlement Class: “All persons and entities throughout the United States (1) to whom Discover placed, or caused to be placed by one of its agents or vendors, a call, (2) directed to a telephone number assigned to a cellular service, (3) that used an artificial or prerecorded voice, (4) from August 25, 2017 through April 7, 2023, (5) where the subject of the call was a credit card account issued by Discover, and (6) where the recipient of the call was not a Discover customer.”

3. The settlement will provide approximately \$201.61 to each of the 2,919 participating Settlement Class Members.

4. On February 7, 2023, this Court granted preliminary approval. ECF No. 47.

5. The settlement, which provides substantial monetary relief to more than 2,900 participating Settlement Class Members, is fair, reasonable, adequate, and in the best interest of Settlement Class Members. Indeed, after a robust notice program, not a single Settlement Class Member or attorney general objected to any part of the settlement and only one person was excluded from it.

6. Accordingly, Plaintiff and his counsel respectfully request that this Court enter the accompanying agreed order granting final approval.

7. Plaintiff also submits and incorporates by reference his memorandum of law in support of his unopposed motion for final approval of class action settlement.

Dated: July 10, 2023

/s/ Michael L. Greenwald  
Michael L. Greenwald (*pro hac vice*)  
Aaron D. Radbil  
GREENWALD DAVIDSON RADBIL PLLC  
5550 Glades Road, Suite 500  
Boca Raton, Florida 33431  
(561) 826-5477  
mgreenwald@gdrllawfirm.com  
aradbil@gdrllawfirm.com

Manuel S. Hiraldo  
HIRALDO P.A.  
401 E. Las Olas Boulevard, Suite 1400  
Ft. Lauderdale, Florida 33301  
(954) 400-4713  
mhiraldo@hirdolaw.com

Ignacio J. Hiraldo  
IJH LAW  
1200 Brickell Avenue, Suite 1950  
Miami, Florida 33131  
(786) 496-4469  
ijhiraldo@ijhlaw.com

Michael Eisenband  
EISENBAND LAW, P.A.  
515 E. Las Olas Boulevard, Suite 120  
Ft. Lauderdale, Florida 33301  
(954) 533-4092  
MEisenband@Eisenbandlaw.com

*Class Counsel*